

REMARKS

Claims 1-18 are currently pending. Support for amendments to Claim 1 is found in the Specification as filed at page 4, paragraphs [0009] and [0010]. No new matter has been added herewith. The following addresses the substance of the Office Action.

Objection of Improper Dependent Form

Claim 1 was objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Notwithstanding the fact that Claim 1 is an independent claim, which does not have any preceding claims, the Applicants have amended Claim 1 as the Examiner suggested to recite “R¹, R², R³, R⁴ are the same or different C₁-C₄ alkyl groups”. Accordingly, Applicants respectfully request removal of the objection.

Indefiniteness

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 1

Regarding Claim 1, the Examiner noted that “a halogen-free aprotic solvent” at lines 14-15 appeared to be the same as the halogen-free aprotic solvent recited in line 5. Since the instances refer to the same halogen-free aprotic solvent, the Applicants have amended the word “a” in the second instance to the word --the--, as recommended by the Examiner.

Claims 5 and 9

The phrase “the electrolyte bath” was found to lack antecedent basis. Thus, the Applicants have amended Claims 5 and 9 to refer to --the electrolytic bath--.

Claims 11, 12, 17 and 18

The phrase “the pretreatment is performed” was found to lack antecedent basis. Claim 1 is amended to recite the steps of pre-treating an aluminum/magnesium alloy or zinc/magnesium alloy material..., and performing the electrolytic coating..., and Claims 11, 12, 17 and 18 are amended to refer to “the pre-treating step.”

In view of the amendments to the claims, the Claims are in compliance with 35 U.S.C. § 112, second paragraph since proper antecedent bases are provided. Accordingly, removal of the rejection is respectfully requested.

Obviousness

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dötzer et al. (U.S. Patent No. 3,969,195) in combination with German Patent No. DE 198 55 666 and Lehmkuhl et al. (U.S. Patent No. 6,652,730). The method of Dötzer entails three steps including 1) a pretreatment step (e.g., by erosion with finely divided abrasive particles), 2) surface finishing in an anhydrous, inert, aprotic liquid, and 3) electroplating with aluminum, cadmium, indium or zinc in an aprotic, organo-metal electrolyte. The Examiner notes that the method of Dötzer et al. differs from the claims of the instant application because Dötzer et al. does not disclose performing the electrolytic coating in the same electrolyte as define in present claim 1, but that Lehmkuhl et al. discloses electrolytes consistent with present Claim 1. Thus, the Examiner concludes that it would have been obvious to combine the teachings of Dötzer et al. and Lehmkuhl et al. to arrive at the claimed subject matter.

The Applicants point out that the presently claimed method differs from Dötzer et al. because, referring to paragraph [0009], lines 9-14 of the Specification as filed, the method allows pretreatment of the material in the same electrolytic bath wherein electrolytic coating subsequently takes place. Surprisingly, the impurities introduced during the pretreatment step do not impede the deposition of magnesium aluminum or alloys of aluminum and magnesium on the material during the electrolytic coating step, which takes place in the same electrolytic bath. Claim 1 has been amended to emphasize this aspect of the method. Thus, as stated in paragraph [0010] of the Specification as filed, the step of transferring materials from the pretreatment bath into the electrolytic bath after pretreatment, which would involve the risk of re-contaminating the surface of the material, is no longer necessary

Neither Dötzer et al. nor Lehmkuhl et al. teach or provide any reason for performing the electrolytic coating step in the same electrolytic bath immediately after pretreatment. There is no appreciation by the references of the unexpected advantage of being able to avoid the risk of re-contaminating the surface of the material during transfer of materials from a pretreatment bath to an electrolytic bath. Pretreatment and electrolytic coating in the same bath is possible because the Applicants found that impurities introduced during the pretreatment step do not impede the deposition of magnesium aluminum or alloys of aluminum and magnesium on the material during the electrolytic coating step, circumventing the need for separate electrolytic baths.

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In view of the amendments to the claims and the above remarks, the Applicants respectfully request removal of the rejection under 35 U.S.C. § 103(a).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
10/573,519	ELECTROLYTE FOR THE GALVANIC DEPOSITION OF ALUMINUM-MAGNESIUM ALLOYS	January 31, 2007
10/576,284	WORKPIECES COATED WITH AN ALUMINUM/MAGNESIUM ALLOY	April 23, 2007
10/578,796	COATING OF SUBSTRATES	April 10, 2007

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CONCLUSION

In view of Applicants' amendments to the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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